

UNITED STATES OF AMERICA
UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

TIMOUR GOLOVIN,

Petitioner,

Case No. 1:12-cv-01010

v.

Honorable Janet T. Neff

ERIC HOLDER et al.,

Respondent.

REPORT AND RECOMMENDATION

On September 26, 2012, the Court entered an order of deficiency (docket #6) because Petitioner had failed to pay the \$5.00 filing fee for a habeas corpus action or file the required documents to apply to proceed *in forma pauperis* as required by Rule 3 of the Rules Governing § 2254 Cases¹ to apply to proceed *in forma pauperis*. The Court allowed 28 days for Petitioner to comply. Petitioner was warned that if he failed to comply the Court would presume that he was not proceeding *in forma pauperis*, and dismiss his case for want of prosecution.

More than 28 days have elapsed. Petitioner did not submit the \$5.00 filing fee or the requisite documents to apply to proceed *in forma pauperis*. In addition, Petitioner has failed to keep the Court apprised of his current address, *see, e.g.*, Docket ##7, 8, as required by Fed. R. Civ. P. 41(b) and W.D.Mich. L.Civ.R. 41.1. Local Rule 41.1 states in pertinent part, “Failure of a plaintiff to keep the Court apprised of a current address shall be grounds for dismissal for want of prosecution.” The district judge may enter an order of dismissal “with or without prejudice.”

¹Also applicable to § 2241 cases pursuant to Rule 1(b) of the Rules Governing § 2254 Cases.

As such, the undersigned recommends the issuance of a Judgment dismissing the action with prejudice.

OBJECTIONS to this Report and Recommendation must be filed with the Clerk of Court within fourteen (14) days of the date of service of this notice. 28 U.S.C. § 636(b)(1)(C). Failure to file objections within the specified time waives the right to appeal the District Court's order. *Thomas v. Arn*, 474 U.S. 140, 155 (1985); *United States v. Walters*, 638 F.2d 947, 949-50 (6th Cir. 1981).

Respectfully submitted,

Date: December 5, 2012

/s/ Ellen S. Carmody
ELLEN S. CARMODY
United States Magistrate Judge